
PDF PAGE 1, COLUMN 1

**FRANK HEARING
WEDNESDAY**

**MOTION FOR A
NEW**

**TRIAL TO BE
HEARD**

**BY JUDGE L. S.
ROAN**

Attorney Luther Z. Rosser
De-

clares Unless Hearing Is
Given Immediately He'll
Have

To Drop Case
Temporarily

DORSEY ANNOUNCES
HE

WILL BE READY ON
DATE

Judge Roan Fixes
Definite Date

for Hearing – Defense and Prosecution to Swap Affida- vits to Speed Procedure

The motion for a new trial for Leo M. Frank, convicted of the murder of Mary Phagan, was Saturday set for a hearing before Judge L. S. Roan on next Wednesday morning and there is little probability that there will be any further delay.

Next Monday morning Attorney Luther Z. Rosser, chief counsel for the defense, and Solicitor Hugh M. Dorsey, will exchange all new affidavits bearing on the case in order to avoid further delay. It is believed that both sides have many affidavits not yet made public which bear upon the case.

Solicitor Dorsey's request of Mr. Rosser to be furnished with all affidavits was met by Frank's attorney by the statement: "I'll swap with you, giving you all new affidavits if you will furnish us with copies of the affidavits you have." The solicitor readily agreed to this.

Neither side gave an intimation of the nature of the new evidence secured by them, but both Frank's attorneys and the solicitor have been busy every day on the case and it is said that each side held back its best cards.

ROSSER ASKS FOR SPEED.

The discussion about the date for the new trial hearing was entirely informal between the judge, the solicitor and Attorney Rosser. Mr. Rosser declared that unless the motion was disposed of by Monday week, he would be compelled to devote himself to his civil business, which had been neglected by him in order to get the Frank case out of the way.

He had given the Frank case right of way, he said, because he realized that the courts were congested, and that many important cases were being delayed on account of it.

He declared that the defense had no objection to a delay, as a delay would be to their benefit but on account of the condition in the courts, they had rushed the motion to completion to relieve this situation. However, he had reached the point in his business where he would have to give some of his time to civil cases.

He was willing for the Frank motion to go over to December 15th, but not willing to any more short delays.

ROAN OPPOSED TO DELAY.

Judge Roan interrupted with a statement that indicated that he would be unwilling for the case to be postponed to December, and Solicitor Dorsey also said he would object to such a delay.

The solicitor answered Mr. Rosser with the statement that he had devoted all of his time since the amended motion had been filed to preparing his answer, that he did not wish a delay and had sought in every way to be ready for trial at the earliest possible moment.

He said that he and Attorney Herbert Hass had been working as fast as possible to agree upon as much of the case as they could. Mr. Rosser told him that Attorney Arnold was waiting to confer with him and the solicitor replied that he realized this and would meet him as soon as he could. Solicitor Dorsey promised to

be ready for trial next Wednesday morning if possible and every indication seems to point to the hearing taking place at that time.

The solicitor general added that there are a number of criminal cases in which motions have been pending longer than in the Frank matter, but despite this he had devoted every moment of his time to the big murder case

The solicitor stated that he was Working with Attorney Leonard Haas, of the defense, on the brief of evidence, and that he would take up the amended motion with Attorney Reuben Arnold just as soon as he can complete the brief.

Arrangements are being made for the holding of court in the Stone Mountain circuit and in the criminal division in the Atlanta circuit on Monday week, which indicates that Judge Roan expects to complete the hearing of the Frank motion by that date.

It is certain, however, that the hearing of the argument in the Frank motion will take several days. The work will be rushed, however, and long sessions of the court will be held.

PDF PAGE 3, COLUMN 5

HAVANA PROMOTER TO SEEK CUSTODY OF CHILD

Ordinary's Court in Stewart

County Gave Daughter Into Mrs. Barlow's Care

The fight of J. E. Barlow, millionaire promoted, of Havana, Cuba, for the possession of his daughter, Madeline, will be staged in the superior court of Lumpkin, Stewart county, on Monday, when the certiorari from the ordinary's court, which gave the child to Mrs. Edith Barlow, will be argued.

With Mr. Barlow, Attorneys Burton Smith and Frank A. Hooper will leave for Stewart county Saturday night.

The ordinary's court gave the custody of the child to the mother after it had been awarded by the superior court to the father, on the ground that Mr. Barlow had violated the higher court's order by not allowing the former wife to visit the child.

JURY AWARDS

\$4,500

FOR HURTS BY AUTO

Miss Louie Crew was awarded \$4,500 damages from John J. Woodside, Jr., by a jury in Judge John T. Pendleton's division of the superior court Saturday, for injuries sustained when she was run down by the young clubman's automobile in August, 1912.

Miss Crew, who was a stenographer earning \$50 per month, has been unable to work since the time of the accident and she declared that because of the nervous shock of the accident she will be a sufferer from neurasthenia for the rest of her life and will probably never be able to work again.

The accident in which she was injured occurred near the corner of Peachtree and Harris streets. Miss Crew had just alighted from a trolley car when young Woodside's machine struck her.

The case was argued by Attorneys Shepard Bryan and Grover Middlebrooks for Miss Crew, and the jury was out for about an hour.
